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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/822,993	03/21/97	BIGUS	J R0996-052/10

MERCHANT GOULD SMITH EDELL
WELTER AND SCHMIDT
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-4131

LM32/0710

EXAMINER
DAVIS, G

ART UNIT	PAPER NUMBER
2762	6

DATE MAILED: 07/10/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/15/98

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-29 and 33-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-29 and 33-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2762

1. Articles and foreign patents will be considered if applicants send a copies for these articles and foreign patents.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-29 and 33-35 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lagarde et al, U.S. Pat. No. 5761663.

As per claims 1, Lagarde discloses selecting at least one selected program module (abstract, lines 6-8 and 15, column 5, lines 35-37, column 7, lines 14 and 15) and configuring an intelligent agent to execute the at least one selected program module (abstract, lines 6-8, column 2, lines 9 and 10, column 4, line 2, column 9, lines 16-22, column 5, lines 57-59 and column 7, lines 37-40).

As per claim 16, Lagarde discloses an intelligent agent including at least one of a plurality of program modules (abstract, lines 6-8, column 2, lines 9 and 10, column 4, line 2, column 9, lines 16-22, column 5, lines 57-59 and column 7, lines 37-40) and at least one selected program module from a plurality of program modules is selected (abstract, lines 6-8 and 15, column 5, lines 35-37, column 7, lines 14 and 15).

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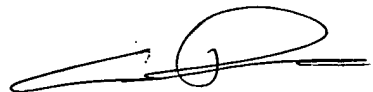
As per claim 33, Lagarde discloses determining a risk (column 2, lines 2-4), selecting at least one selected program module (abstract, lines 6-8 and 15, column 5, lines 35-37, column 7, lines 14 and 15) and configuring an intelligent agent to execute the at least one selected program module (abstract, lines 6-8, column 2, lines 9 and 10, column 4, line 2, column 9, lines 16-22, column 5, lines 57-59 and column 7, lines 37-40).

Claims 2-15, 17-29, 34 and 35 also taught by Lagarde's reference (see abstract and columns 2-7).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (703) 305-9640. The fax phone number for this Group is (703) 305-3988.

G. Davis

July 1, 1998



GEORGE B. DAVIS
PRIMARY PATENT EXAMINER